

except to the sureties of the plaintiff, require the return thereof upon giving to the officer a written undertaking executed by two or more sufficient sureties to the effect that they are bound in double the value of the property, as stated in the affidavit of the plaintiff, for the delivery thereof to the plaintiff, if such delivery be adjudged, and for the payment to him of such sum as may, for any cause, be recovered against the defendant.

If a return of the property be not so required within five days after the taking and service of notice to the defendant, it must be delivered to the plaintiff, except where the property is claimed by a third party, as is provided in Section 11.

SECTION 13. The Marshal, or other officer, shall file all notices, undertakings and affidavits, and his proceedings thereon, in the Court in which the action is pending, on or before the return day of the writ issued therein.

SECTION 14. All laws or parts of laws inconsistent with the provisions of this Chapter, are hereby repealed.

SECTION 15. This Act shall become a law from and after the date of its approval.

Approved this 29th day of August, A. D. 1884.

KALAKAUA, REX.

AN ACT

To amend Section 1137 of the Civil Code.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. Section 1137 of the Civil Code is hereby amended to read as follows:

"Section 1137. The parties to a Civil Suit may, with the consent of the Court waive the right to a trial by jury, either by written consent or by oral consent in open court entered on the minutes, provided, however, that in case of the failure of either party to appear at the trial the other party being present, the absent party shall be considered to have waived his right to a trial by jury, and the case shall be tried with or without a jury at the option of the party in attendance."

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 29th day of August, A. D. 1884.

KALAKAUA, REX.

AN ACT

To Regulate the Issuing of Patents.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. All patents shall be issued in the name of His Majesty the King, under the Seal of the Interior Department, and shall be signed by the Minister of the Interior and countersigned by the Commissioner of Patents, and they shall be recorded together with the specifications in the office of the Interior Department in books kept for that purpose.

SECTION 2. Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns for the term of 10 years, of the exclusive right to make, use and vend the invention or discovery throughout the Hawaiian Islands, referring to the specification for the particulars thereof. A copy of the specifications and drawings shall be annexed to the patent and be a part thereof.

SECTION 3. Any person who has invented or discovered any new and useful art, machine, manufacture, process or composition of matter, or any new and useful improvement thereof not known or used by others in this country, and not patented (or described in any printed publication) in this or any foreign country before his invention or discovery thereof, may, upon payment of the fees required by law, and other due proceedings had, obtain a patent therefor. Provided, however, that any person who has invented or discovered any new and useful art, machine, manufacture, process or composition of matter, or any new and useful improvement thereof, and has received a patent or patents therefor from any foreign government may also obtain a patent therefor in this country as provided above, unless the thing patented has been introduced into public use in the Hawaiian Islands for more than one year prior to the application for a patent. But every patent granted for an invention which has been previously patented in a foreign country, shall be so limited that it shall not continue longer than the time of the expiration of such foreign patent, or if there are several foreign patents, it shall not continue longer than the time of the expiration of the one with the shortest unexpired term, and in no case shall it be in force more than ten years.

SECTION 4. Before any inventor or discoverer shall receive a patent for his invention or discovery he shall apply therefor in writing to the Minister of the Interior, and shall file in the office of the Interior Department a written description of the same and of the manner and process of making, compounding and using it, in clear, concise and exact terms and in case of a machine he shall explain the principle thereof and of the manner in which he has applied that principle so as to distinguish it from other inventions, and he shall particularly point out and distinctly claim the part, improvement or combination which he claims as his invention or discovery. When the nature of the case admits of drawings the applicant shall furnish them as set forth in Section 2. When the invention or discovery is of a composition of matter, the applicant shall furnish a specimen of ingredients and of the composition, sufficient in quantity for the purpose of experiment. In all cases which admit of representation by model, the applicant shall, if required, furnish a model of convenient size to exhibit advantageously the several parts of his invention.

SECTION 5. The applicant shall make oath that he believes himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition or improvement

for which he solicits a patent, and that he does not know or believe that the same was ever before known or used, and shall state of what country he is a citizen.

SECTION 6. On filing of any such application and the payment of the fees required by law, the Commissioner of Patents shall examine the alleged new invention or discovery, and if upon such examination it shall appear that the claimant is justly entitled to a patent under the law and that the same is sufficiently useful and important, he shall report accordingly to the Minister of the Interior, who shall cause a patent to be issued therefor.

SECTION 7. Any person who makes any new invention or discovery, and desires further time to mature the same, may on payment of the fees required by law, file in the Interior Department a caveat setting forth the design thereof and its distinguishing characteristics, and praying protection of his right until he shall have matured the invention. Such caveat shall be preserved in secrecy and shall be operative for the term of one year from the filing thereof.

SECTION 8. The Commissioner of Patents shall be appointed by the Minister of the Interior and shall examine and report on all applications for patents and shall receive for such services a fee of twenty dollars for each application examined and reported by him, which fee shall be paid by the applicant in advance. In addition to this fee the following fees shall be charged all applicants for patents, upon filing each original application for a patent, five dollars; and upon issuing a patent, five dollars; and five dollars shall be charged for the filing of a caveat.

SECTION 9. This Act shall take effect and become a law from and after its publication, and "An Act to amend Sections 255 and 256 of the Civil Code, and add a new Section to the Civil Code to be numbered Section 256A," approved the 22nd day of June, A. D. 1868, is hereby repealed.

Approved this 29th day of August, A. D. 1884.

KALAKAUA, REX.

CORRESPONDENCE.

We do not hold ourselves responsible for the statements made, or opinions expressed by our correspondents.

The Volcano House.

MR. EDITOR—Dear Sir: In a communication from your correspondent "Ornithorhynchus," I read some emphatic abuse of the fare at the Volcano House at Kilauea, which ought not to go unanswered.

My own experience was entirely different from that of the "beast with a bill." My party consisted of twelve very empty and ravenous people, who found the fare excellent and plenty, and who voted the proprietor, "pipe" and all a success.

I am afraid that "O." either must have struck the place after everything had been devoured and before new supplies could arrive or else he is a confirmed dyspeptic.

We found Mr. Jordan very attentive and obliging, and had no complaint to make of the food, and I know of many parties who make the same report.

Any party that takes "O.'s" advice and carries food along will be apt to feel ashamed when Mr. Jordan seats it at his long table.

Yours truly,

C. H. DICKEY.

Haiku, Oct. 2, 1884.

Intemperance.

MR. EDITOR:—It seems very strange to me that all temperance lecturers do not pay more attention to intemperance in eating and working.

It is a fact that more lives are lost, and harm done to the progress of the human race by over-work and the rapid eating of unwholesome food than all other causes combined.

Intemperance in religion sends a large number every year to the insane asylums and to death by suicide. It has even been suggested that the United States flag should be made more typical of the American people by having a frying-pan placed among the stars. Why should all temperance workers not make a vigorous attack on all adulterations, over-work, over-eating, and over-study? Compare the dyspeptic stomach with the beer and wine drinking people of Germany and France.

A dyspeptic stomach is a rare thing in Germany, and still a German is almost lost without his beer.

America is full of temperance lecturers, while in Europe none are to be met with, except occasionally a poor dyspeptic American.

If our dyspeptic temperance talkers will only take the advice of St. Paul, and take a little wine for the stomach's sake, they will find improved health, and a much less gloomy outlook for the welfare of the human race. Even Christ changed water into wine after a great feast, and in all probability aided in that way in preventing ailments that would otherwise have followed the over-eating of the many good things prepared for them. A moderate use of any of the good things of this world will hurt no one. But intemperance in temperance talk, work, eating, study, and historical religious emotions do much harm.

AMERICANUS.

Honolulu, Oct. 3, 1884.

MR. EDITOR:—The Editor of the *Hawaiian*, in reviewing an article by Sereno E. Bishop, on the "Political and Social Future of Hawaii," after commenting upon a millennium of harmony that once existed be-

tween the two leading races in this country, says that "a change came over all this a few years ago," and that some adventurer whispered in royal ears a spirit of separation between "the natives and the haoles."

Now the Editor is entirely wrong. It was not an alien adventurer who did this, but a white son of the soil. The Rev. Sereno E. Bishop said, several years ago, in addressing a number of his co-religionists and "cousins," that there was "such a nameless taint and degree of filthiness in the every-day garrulous discourse of the Hawaiian people that the missionary parents had never allowed their children to associate with the native, and had ever sedulously kept them separated from what they deemed ineradicable pollution." Therefore, it would appear from this statement that the fathers of Rev. Bishop and his co-religionists first commenced the separation of races, which the sons and their sympathizers have since maintained, and maintain at this day.

A native writer in a letter addressed to the P. C. ADVERTISER on the 9th December, 1873, spoke as follows: "A great deal has been said by a few persons in our community, to the effect that the natives are antagonistic to the foreigners. This I deny, and I take this opportunity to say that no such feeling has existed, or now exists." This letter was signed by "D. Kalakaua," who now sits upon the throne of his ancestors, and His Majesty says in all his words and actions at this day as he said then: "We have always welcomed foreigners to our shores. Let them come to bring money and skill to develop the resources of the country. Here, as in the freest and strongest nation in the world, all men will be protected in their rights under civilized law." Therefore, the separatists and antagonizers of races were and are those who, as stated by Rev. Sereno E. Bishop feared the "nameless taint" of contact with what they deemed an inferior race, and who maintain at this day the antagonism by speaking contemptuously of the official capacity of a Kapena, an Aholo, or a Kaulukou, simply because they are Hawaiians.

A. B.

The Puzzled Planter Answered.

MR. EDITOR—Sir: I have just had my attention directed to a letter on "The Sugar Basis" in your issue of 2d inst. "Puzzled Planter" must still be suffering from the *Spreckelphobia* epidemic. When he recovers I shall be glad to answer any rational enquiry he may make as to the table in question.

Yours, etc.,

THE COMILER.

Honolulu, H. I., 6th October.

General Lord Wolseley has telegraphed the war office to stop forwarding troops to Egypt for the present. It is believed that the expedition for the relief of Khartoum will be reduced to a flying column, owing to favorable news from General Gordon.

General Lord Wolseley has started up the Nile without awaiting the further arrival of troops. Merchants from El-Obeid report that Mahdi has twenty Krupp cannon, and 10,000 of his 25,000 followers are armed with Remington rifles.

London, Sept. 22.—Orders have been received at Woolwich from the Admiralty, suspending work on the transports for Egypt, but afterwards these orders were rescinded, and directions were given to complete the shipments without delay.

Police Court.

BEFORE POLICE-JUSTICE BICKERTON.

MONDAY, Oct. 6th.

Justice Bickerton yesterday morning had an improvement in the calendar over some of the days of last week.

Kanui, Mai, Kinimoka, Lii each forgot to put in an appearance to answer a charge of drunkenness, and severally forfeited \$6.

C. Keetler pleaded guilty to a similar charge entered against him, and was fined \$6.

Kahananui was tried on a charge of disorderly conduct in the vicinity of Wilder & Co.'s docks. He was found guilty and sentenced to five days' imprisonment at hard labor and to pay costs amounting to \$1.20.

Napiolani, an old offender, pleaded guilty to being drunk, and was sentenced to 10 days' imprisonment at hard labor and to pay \$1 costs.

C. Clarke pleaded guilty to violating Express Rule No. 11 on the 4th inst. and was fined \$2 and \$1 costs.

Joe Williams, arrested for stealing a horse, the property of J. A. Budd, on Sunday, will have his trial to-morrow.

E. Duell, arrested for disorderly conduct, will have his trial to-morrow.

Aukai, charged with assault and battery on Hay Toy on the 13th of last month, has had his trial set for Thursday.

Geo. White, charged with an assault on a native woman, forfeited \$10 by not appearing to answer.

R. G. Wignell, arrested for an assault on a Chinaman named Ah Chin, pleaded guilty. He was reprimanded and discharged.

Mr. and Mrs. August Fernandez, two Portuguese, who reside on Beretania street Smith lane, who were arrested for assaulting a Chinaman named Ah Sam last week, under peculiar circumstances, failed to put in an appearance to answer the charge against them, and the aggregate of their bail \$42, was forfeited.

The cases of John Dunn, Joseph Preston, Ed. Wiltie and Charles Fisher, alleged vagrants were continued till to-day.

Another Escapade.

It is reported that Police Officer Kauhano was this morning at 2 o'clock, arrested with a native woman on a charge of adultery.

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